

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

## DONALD JOSHUA SMITH,

Plaintiff,

No. 2:21-cv-0420-EFB P

OMONIYI AKINTOLA,

Defendant.

## ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. In addition to filing an application for leave to proceed in forma pauperis, he has filed an unsigned complaint.

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint “is frivolous, malicious, or fails to state a claim upon which relief may be granted,” or “seeks monetary relief from a defendant who is immune from such relief.” *Id.* § 1915A(b).

1 The court cannot conduct the required screening of plaintiff's complaint because plaintiff  
2 has not signed it. *See* ECF No. 1. Rule 11 of the Federal Rules of Civil Procedure requires that  
3 “[e]very pleading, written motion, and other paper . . . be signed by at least one attorney of record  
4 in the attorney's name—or by a party personally if the party is unrepresented.” Fed. R. Civ. P.  
5 11(a). Because plaintiff did not sign the complaint (ECF No. 1), it will be disregarded. Within  
6 thirty days, plaintiff may file a complaint that is signed. *See* Fed. R. Civ. P. 3 (“A civil action is  
7 commenced by filing a complaint with the court.”). Failure to comply with this order may result  
8 in an order closing this case.

So ordered.

10 || Dated: March 16, 2021.

EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE